

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

STEVE SNYDER-HILL, *et al.*,

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:18-cv-00736-MHW-EPD

Judge Michael H. Watson

Chief Magistrate Judge Elizabeth P. Deavers

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs submit the attached opinion as supplemental authority. *See* Exhibit 1 (*Karasek v. Regents of the University of California*, 2020 WL 6684869, at *1 (N.D. Cal. Nov. 12, 2020)). *Karasek* held that “a plaintiff’s Title IX pre-assault claim” against a university “accrues when the plaintiff knows or has reason to know of the school’s policy of deliberate indifference that created a heightened risk of harassment.” *Id.* at *8. The district court explained that “[i]n a pre-assault case . . . [a] school is not liable because it assaulted a plaintiff. A school is instead liable for its policy of deliberate indifference that created a heightened risk of harassment, which is ultimately causally connected with the assault.” *Id.* The court denied the university’s motion to dismiss the plaintiff’s claim as time-barred because the plaintiff was unaware of the university’s alleged policy of deliberate indifference until an audit report was publicly released years after her assault. *Id.* at *10-11. *Karasek* provides further support that Plaintiffs’ Title IX claims against OSU for the university’s deliberate indifference did not accrue until Plaintiffs knew or should have known of OSU’s role in enabling Dr. Strauss’s abuse. *See also* Dkt 133 (Pl. Opp.) at 15-18.

Dated: Columbus, OH
November 18, 2020

Respectfully submitted,

By: /s/ Scott Smith, with email permission to
Debra L. Greenberger _

SCOTT ELLIOTT SMITH, LPA
Scott E. Smith (0003749)
Michael L. Dillard, Jr. (0083907)
5003 Horizons Drive, Suite 100
Columbus, Ohio 43220
Phone: (614) 846-1700
Fax: (614) 486-4987
E-Mail: ses@sestrailaw.com
E-Mail: mld@sestrailaw.com

Ilann M. Maazel (admitted *pro hac vice*)
Debra L. Greenberger (admitted *pro hac vice*)
Marissa Benavides (admitted *pro hac vice*)
EMERY CELLI BRINCKERHOFF ABADY
WARD & MAAZEL LLP
600 Fifth Avenue, 10th Floor
New York, New York 10020
Phone: (212) 763-5000
Fax: (212) 763-5001
E-Mail: imaazel@ecbawm.com
E-Mail: dgreenberger@ecbawm.com
E-Mail: mbenavides@ecbawm.com

Adele P. Kimmel (admitted *pro hac vice*)
Alexandra Brodsky (admitted *pro hac vice*)
PUBLIC JUSTICE, P.C.
1620 L Street, NW, Suite
630 Washington, DC 20036
Phone: (202) 797-8600
Fax: (202) 232-7203
E-mail: akimmel@publicjustice.net

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing document was filed and served, via the Court's CM/ECF system on November 18, 2020, on all counsel of record.

By: /s/ Debra L. Greenberger
Attorney for Plaintiffs